

# David I. Schoen

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April 8, 2020

Honorable Vernon S. Broderick  
United District Judge  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 415  
New York, NY 10007

Re: *Safani Gallery, Inc. v. The Italian Republic*, Civil Action No. 1:19-10507-VSB

Dear Judge Broderick:

I represent the Plaintiff, Safani Gallery, Inc. in the above-referenced case. I am writing to Your Honor today pursuant to Rules 1.A. and 1.G. and consistent with Rule 4.G. of Your Honor's Individual Rules and Practices in Civil Cases and consistent with the Court's Local Rules.

The Complaint in this case was served on the Defendant through the applicable international convention on February 7, 2020, making yesterday, April 7, 2020, the date the Defendant's Answer was due to be filed. However, I received by email yesterday a copy of a letter the Defendant sent to the Court by email, seeking a thirty (30) day extension of time to file its Answer.

The Defendant explained in its letter that, due to "extenuating circumstances," including fallout from the tragic ongoing health crisis and associated breakdowns in communication and other issues, it only just learned that its Answer was due yesterday and it had not had a chance yet to retain counsel or to contact me to ascertain the Plaintiff's position on the requested extension.

When I received the letter, I was concerned that it might not come to Your Honor's attention, given the current closure of 40 Foley Square and the required protocol for all motions to be filed through ECF and not by email [Individual Rule 1.A., 1.E., 1.G., & 4.G.]. Accordingly, I reached out to the Defendant's representative who sent the email to advise first that, of course the Plaintiff does not object to the requested extension, especially under these tragic circumstances, and secondly, to ask if the Defendant wished to have me file its motion through the ECF system, since the Defendant does not have ECF filing privileges and therefore could not do so, and has not yet had a chance to retain counsel with such privileges. The Defendant advised that it would like me to file its motion through the ECF system and that is the purpose of my letter today.

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Additionally, I write to formally advise the Court that the Plaintiff has no objection to the requested thirty (30) day extension. There have been no previous requests, the reasons for the extension are compelling, it is made on consent, and there is no scheduling order in place yet; so it does not affect any other scheduled dates. [Individual Rule 1.G.]

I know that it is unusual for one party to make a filing on behalf of the other party; but I hope under the circumstances, Your Honor will forgive the break from normal protocol. I have attached the Defendant's letter motion to this letter and I am filing it through the ECF system as one document (letter motion for extension of time) for ease of reference and disposition. [See 2013 Committee Note to Local Civil Rule 7.1].

I thank Your Honor for the Court's consideration in this matter and express my hope for the Court's health and safety during this current health crisis (and always).

Respectfully,  
  
David Schoen

cc: Ms. Annalisa Cipollone,  
Head of Legislative Office, Italian State Attorney (Via email)

VIA EMAIL



*Avvocatura Generale dello Stato*

*Via dei Portoghesi, 12  
00186 ROMA*

*Roma,  
Partenza N.  
Tipo Affare CT 1463/2020 Sez. IV  
Avv. D'ASCIA*

*Si prega di indicare nella successiva  
corrispondenza i dati sopra riportati  
Risposta a nota del 14.10.2019 prot. 185172*

**Honorable Justice Vernon S. Broderick  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 415  
New York, NY**

OGGETTO: Safani Gallery Inc. v. The Italian Republic – Civil no. 19-10507

Dear Judge Broderick,

On behalf of the Ministry of Cultural Heritage and Activities (the “Ministry of Culture”), the undersigned Avvocatura Generale dello Stato (State Attorney) hereby submits the following letter-motion to the court concerning the matter of *Safani Gallery, Inc. v. The Italian Republic*, Civil No. 19-10507, in accordance with your individual rules of practice for civil cases as of March 19, 2020.

Our answer to the complaint is due today, April 7, 2020.

However, there are certain extenuating circumstances that must be brought to the court’s attention that warrant an extension of time to answer.

As the court is no doubt well aware, the Italian nation is facing a major health crisis due to the COVID-19 pandemic and the nation has suffered countless deaths, the extent of which is unprecedented in modern times. This situation requires involvement and cooperation from all government entities, including the Ministry of Culture.

Due to the health crisis, there has been a significant delay in all public services, including Government responses to legal matters, and a breakdown in communication as a result of strained resources and personnel, as well as closure of governmental offices.

As a result, the Ministry of Culture only just became aware of the deadline in the above-cited case.

These circumstances were unexpected and completely outside of our control. For this reason, we have not yet been able to retain litigation counsel, but we will do so as quickly as possible in order to address this lawsuit.

This matter is of the highest priority for our Ministry.

Due to the expiry of the filing date and the urgent state of this matter, the Ministry of Culture was unable to timely request consent of the Plaintiff, Safani Gallery, Inc.

However, judicial proceedings and legal services in the U.S. have also been substantially interrupted due to the pandemic, and it is unlikely that the Plaintiff will be prejudiced by our delay in answering the complaint. Furthermore, this is a first letter-motion for extension by

**VIA EMAIL**



*Avvocatura Generale dello Stato*

the Ministry of Culture with respect to this matter. In order to comply with due process, we hope to be afforded sufficient time to retain U.S. litigation counsel and receive advice relating to available defenses prior to submitting any documents or information.

Given the extreme situation in Italy, the United States, and the rest of the world, and in the interests of fairness and justice, we respectfully request that this court grant the Ministry of Culture an extension of time to respond to the complaint. This letter-motion is not made for purposes of delay and the Ministry of Culture fully intends to comply with the court and answer the complaint as soon as possible.

We believe an extension of thirty (30) days should be sufficient. As noted below, our adversary's counsel was provided with a copy of this letter *via email*.

Wherefore, the Ministry of Culture prays for a 30-day extension in order to retain litigation counsel and file a response to the complaint. We certify, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted.

April 7, 2020

L'AVVOCATO ESTENSORE  
Lorenzo D'Ascia

PER IL VICE AVVOCATO GENERALE  
Giuseppe Albenzio

L'AVVOCATO INCARICATO  
Lorenzo D'Ascia

**LORENZO D'ASCIA**

Firmato  
digitalmente da  
LORENZO D'ASCIA  
Data: 2020.04.07  
18:47:15 +02'00'